IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1712 OF 2005

Balu @ Balkrishna Pandurang Pharde ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr.R.D.Suryawanshi for Applicant.

Mr.K.V.Saste, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

MARCH 18, 2005.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. There is evidence on record to indicate that there was motive behind the murder of the deceased. There is direct evidence of child witness, who has seen the Applicant strangulating the deceased. To get over this position, it was argued that the version of the child witness seems

to be improbable and doubtful. That, however, is a matter for trial.

3. As there is direct evidence of child witness and the prosecution has alleged motive for the killing of deceased, not a case for bail. I see no reason to depart from the conclusion reached by the lower Court in rejecting the Application for bail preferred by the Applicant. Hence, dismissed.

4. As the prayer for bail is rejected, Sessions Judge, Thane is directed to assign the case to the Fast Track Court to ensure early disposal of the trial as ‘High Court Expedited Case’.

A.M.KHANWILKAR, J.